



6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA-R10-OAR-2014-0532; FRL -9928-17-Region 10]**

Approval and Promulgation of Implementation Plans; Alaska

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted on July 1, 2014 and October 24, 2014. These revisions primarily update the adoption by reference of Federal regulations and definitions into the Alaska SIP. The revisions also clarify stationary source permitting rules governing owner-requested emission limits and revise the SIP to reflect the redesignation of the Eagle River area of Anchorage. Upon the effective date, the Alaska SIP will be updated to reflect recent Federal regulatory changes and actions.

**DATES:** This final rule is effective on **[insert date 30 days after date of publication in the Federal Register]**.

**ADDRESSES:** The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2014-0532. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed

on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-150, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Kristin Hall at (206) 553-6357, [hall.kristin@epa.gov](mailto:hall.kristin@epa.gov), or by using the above EPA, Region 10 address.

**SUPPLEMENTARY INFORMATION:** Throughout this document wherever “we,” “us” or “our” is used, it is intended to refer to the EPA.

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### **I. Background**

In a notice of proposed rulemaking published in the Federal Register at 80 FR 14038, March 18, 2015, the EPA proposed to approve and incorporate by reference revisions to the Alaska SIP submitted on July 1, 2014 and October 24, 2014. Please see our March 18, 2015, proposed rulemaking for further explanation and the basis for our finding. The public comment period for the proposal ended on April 17, 2015. We received a comment letter from the Alaska Department of Environmental Conservation, dated April 16, 2015, acknowledging our work and supporting the proposal. We received no other comments.

### **II. Final Action**

The EPA is approving and incorporating by reference into the Alaska SIP changes to the following provisions submitted on July 1, 2014 and October 24, 2014:

- 18 AAC 50.015 “Air Quality Designations, Classifications, and Control Regions” (State effective 10/6/2013);
- 18 AAC 50.040 “Federal Standards Adopted by Reference” (State effective 10/6/2013);
- 18 AAC 50.225 “Owner-Requested Limits” (State effective 10/6/2013);
- 18 AAC 50.260 “Guidelines for Best Available Retrofit Technology under the Regional Haze Rule” (State effective 10/6/2013);
- 18 AAC 50.502 “Minor Permits for Air Quality Protection” (State effective 11/9/2014); and
- 18 AAC 50.990 “Definitions” (State effective 11/9/2014).

We note that this action does not address the submitted revisions related to Alaska’s nonattainment NSR permitting program because we approved those changes on January 7, 2015 (80 FR 832). This action is being taken under section 110 and part C of title I of the CAA.

### **III. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the provisions of 18 AAC 50 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

### **IV. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies

with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of

judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: May 7, 2015.

Dennis J. McLerran,  
Regional Administrator,  
Region 10.

40 CFR part 52 is amended as follows:

### **PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart C - Alaska**

2. In section 52.70, the table in paragraph (c) is amended by revising entries 18 AAC 50.015, 18 AAC 50.040, 18 AAC 50.225, 18 AAC 50.260, 18 AAC 50.502, and 18 AAC 50.990 to read as follows:

#### **§ 52.70 Identification of plan.**

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(c) \* \* \*

## EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
<b>Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality Control (18 AAC 50)</b>				
*	*	*	*	*
18 AAC 50.015	Air Quality Designations, Classifications, and Control Regions	10/6/13	[Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]	
*	*	*	*	*
18 AAC 50.040	Federal Standards Adopted by Reference	11/9/14; 10/6/13; 12/3/05	1/7/15, 80 FR 832; [Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]; 8/14/07, 72 FR 45378	except (a), (b), (c), (d), (e), (g), (h)(21), (j), and (k).
*	*	*	*	*
<b>18 AAC 50 Article 2. Program Administration</b>				
*	*	*	*	*
18 AAC 50.225	Owner-Requested Limits	10/6/13	[Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]	
*	*	*	*	*
18 AAC 50.260	Guidelines for Best Available Retrofit Technology under the Regional Haze Rule	10/6/13	[Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]	

*					*					*					*					*					*				
18 AAC 50 Article 5. Minor Permits																													
18 AAC 50.502					Minor Permits for Air Quality Protection					11/9/14					[Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]														
18 AAC 50 Article 9. General Provisions																													
18 AAC 50.990					Definitions					11/9/14					1/7/15, 80 FR 832; [Insert <u>Federal Register</u> publication date] [Insert <u>Federal Register</u> citation]														

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[FR Doc. 2015-12655 Filed: 5/26/2015 08:45 am; Publication Date: 5/27/2015]